

HOUSE BILL NO. 229

INTRODUCED BY S. MENDENHALL

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A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING THE DISQUALIFICATION OF A JUDGE FROM A CASE WHEN AN ATTORNEY IN THE CASE HAS MADE A REPORTABLE CAMPAIGN CONTRIBUTION TO THE JUDGE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. **Section 1. Disqualification of judge -- waiver.** (1) A justice, judge, justice of the peace, municipal court judge, or city court judge may not sit or act in any action or proceeding when the judge or justice knows or learns by means of a timely motion that an attorney in the action or proceeding has, in the judge's or justice's current or just previous election campaign, made a contribution to the judge's or justice's campaign that is required to be reported under 13-37-229.

(2) A judge or justice disqualified by the terms of subsection (1) may disclose on the record the basis of the disqualification and may ask the parties and their attorneys to consider, out of the presence of the judge or justice, whether to waive disqualification. If following disclosure of the basis for disqualification the parties and attorneys, without participation by the judge or justice, all agree that the judge or justice should not be disqualified and if the judge or justice is then willing to participate, the judge or justice may participate in the proceeding. The agreement must be incorporated in the record of the proceeding.

NEW SECTION. **Section 2. Codification instruction.** [Section 1] is intended to be codified as an integral part of Title 3, chapter 1, part 6, and the provisions of Title 3, chapter 1, part 6, apply to [section 1].

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